

Remarks/Arguments

Claims 1-78 were pending in this application. Claims 1, 6, 8, 17, 19, 22, 25, 29-31, 37, 40, 45, 47, 56, 57, 61, 64, 70 have been amended herein. Claims 18, 23, and 33 have been canceled herein. Upon entry of this amendment, claims 1-17, 19-22, 24-32, and 34-78 will be pending. Applicants believe no additional fee is due at this time.

The Examiner has rejected all Applicants' claims as obvious under 35 U.S.C. § 103(a) in view of Bissonette (previously cited) in combination with U.S. Patent 5,621,201 to Langhans et al. ("Langhans"). The Applicants respectfully disagree with the Examiner's characterization of this art and the Examiner's application of this art to Applicants' claims. The Examiner bears the initial burden of factually supporting a conclusion of obviousness and the Examiner has failed to meet this burden.

In order to establish the obviousness of a claim, the Examiner must show that all of the claim limitations are taught or suggested by the prior art. M.P.E.P. § 2143.03. Applicants' independent claims contain numerous recitations for which corresponding teaching cannot be found in either Bissonette or Langhans. For example, Applicants' claims recite communication between a "purchasing entity" and a "card processor." As previously pointed out, Bissonette involves accounting and processing procedures internal to a card holder or purchasing entity. Langhans teaches communications and processing that takes place between a card processor and a merchant. Even if Bissonette and Langhans could properly be combined, which they cannot, there would be no communication or interaction between a purchasing entity and a card processor disclosed in the resulting combination.

Applicants current claims also recite the approval processing of potential purchases prior to a purchase being attempted. For example, claim 1 recites "approving the purchase request prior to the purchase" and "disapproving the purchase request prior to the purchase when the purchase policies are not satisfied so that the purchase is not attempted." Claim 17 recites the communication between the purchasing entity and the card processor taking place "prior to a purchase associated with the payment mechanism and only after approval of the purchase." Claims 40 and 56, as amended, contain similar recitations. Bissonette and Langhans both teach completely away from these concepts. The activities of Bissonette have to do with accounting after a purchase has been made. There is no provision for stopping or controlling purchases prior

to the purchase attempt. Langhans is related to processing that takes place contemporaneously with a purchase transaction at a merchant or vendor. Neither Bissonette nor Langhans teaches *adjusting* control settings *at a card processor prior to a purchase* attempt. Both Langhans and Bissonette are completely disjunct from the pre-purchase control taught and claimed in the present application.

The portion of Applicants' claimed invention related to adjusting controls at a card processor deals not only with automatically adjusting those controls, but also doing so on a temporary basis, to accommodate a single transaction. Thus, all Applicants' independent claims recite the adjustment of those controls prior to the purchase, *and* the resetting of those controls after the purchase. These features and their interaction are specifically and precisely claimed in the present application, and neither Langhans or Bissonette alone, nor the two of them in combination, disclose, suggest, or teach this feature. The independent claims of the present application cannot be obvious in view of Bissonette in combination with Langhans for at least the above reasons. Support for the recitations discussed above can be found in the specification at page 7, lines 17-19, page 14, lines 28-41, page 16, lines 15-24, page 24, lines 30 through page 25, line 6, page 38, lines 4-8, and throughout the company example present near the end of Applicants' specification.

Applicants note that the Examiner previously admitted that the cited art does not teach the resetting of parameters post purchase, but simply took official notice that it would be obvious. The use of facts beyond what is expressly shown in the cited art must be limited to those which are "capable of such instant and unquestionable demonstration as to defy dispute." M.P.E.P. § 2144.03(A). All the portions of Bissonette cited by the Examiner regarding this recitation refer to nothing but an internal accounting review. The resetting disclosed and claimed by Applicants is part of a computer implemented process that takes place at a card processor controlled from a purchasing entity. It is impossible for the casual mention of an internal review to render this teaching obvious so instantly and unquestionably as to defy dispute. The Examiner is required to cite the best art available to support these contentions. M.P.E.P. § 2144.03(C).

The recitations discussed above, or commensurate recitations, are included in all of Applicants' amended, independent claims, and are thus included in all Applicants' other claims through dependency. In addition, claims 8, 25, and 64, as amended, all recite the inclusion of

multiple specific types of controls, namely, credit limit, slot and velocity controls. Neither Bissonette nor Langhans disclose these three types of controls. Claims 8, 25, and 64 are patentable for at least this additional reason. Claims 21, 22, 60 and 61 all contains recitations related to synthesized purchase requests. Bissonette and Langhans are both silent as to this capability. Thus, claims 21, 22, 60, and 61 are patentable for at least this additional reason.

Bissonette and Langhans are also not properly combinable under the standards of obviousness. In order to combine references under Section 103, the Examiner must show that there is some suggestion or motivation to combine the references, and this suggestion of motivation must be present in the references themselves. M.P.E.P. § 2143.01(III). The Examiner has not pointed to any teaching in either in Bissonette or Langhans that suggests combining an accounting system like that of Bissonette with a partially merchant-based approval system like that of Langhans. Thus, the Examiner has failed to meet the burden of factually supporting a conclusion of obviousness for this additional reason.


Applicants have canceled claims 18, 23, and 33 since these claims were inconsistent with the amendments made to claim 17. Applicants have made additional amendments not specifically discussed above to correct antecedent basis, or to make the language of dependent claims consistent with amendments made to independent claims as discussed above. Applicants trust these additional amendments will meet with the Examiner's approval.

Applicants believe they have responded to all of the concerns raised by the Examiner. Entry of this response and reconsideration of this application as amended is hereby requested.

Respectfully submitted,

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